

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY OWENS,

Plaintiff,

No. 07-CV-13585-DT

vs.

Hon. Gerald E. Rosen

ANDREW OSBOURNE, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT
AS TO DEFENDANT MICHIGAN STATE POLICE, ONLY

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on May 29, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the April 24, 2009 Report and Recommendation of United States Magistrate Paul J. Komives recommending that the Court grant, in part, and deny, in part, the December 21, 2008 Motion for Summary Judgment filed by Defendants Osbourne, Munoz and Michigan State Police, and accordingly, dismiss Plaintiff's Complaint as to Defendant Michigan State Police, only; and no timely objections to the Magistrate Judge's Report and Recommendation having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation, and the Court's file of this action and having concluded that, for the reasons stated in the Report and

Recommendation, Defendant's Motion should be granted, in part, and denied, in part, as recommended by the Magistrate Judge; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of April 24, 2009 [**Dkt. # 44**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendants' Motion to for Summary Judgment [**Dkt. # 17**] be, and hereby is, GRANTED, in part, and DENIED, in part. Defendants' Motion is granted, with respect to Plaintiff's claims against Defendant Michigan State Police, but is denied in all other respects. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint against Defendant Michigan State Police, only, is, accordingly, DISMISSED, with prejudice.

IT IS FURTHER ORDERED that Plaintiff's request (contained within his response to Defendants' motion for summary judgment) for leave to file an amended complaint is GRANTED. Plaintiff shall file and serve his amended complaint within 14 days of the date of this Order.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: May 29, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 29, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager